

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3283 OF 2005

Shri Ravi Prabhakar Zunzarrao & Anr. : Petitioners
(Orig.Deft.Nos.1 & 2)

V/s.

Smt.Nalini Anant Apte : Respondent
(Orig. Plaintiff)

...

Mr.A.R.Pitale for the petitioners.

Mr.R.S.Apte with Mr.A.A.Garge for the respondent.

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CORAM : S.A. BOBDE, J.

August 10, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Apte, learned counsel, appears and waives
service of rule on behalf of the respondent.

Heard by consent.

2. The petitioners have challenged the order dated
16.2.2005 by which the Court has framed the following
issues:-

"Whether Plaintiff is entitled to the house

no.9 of Gram panchayat, Shahapur by way of adverse possession as per counter claim at Exh.47?"

3. I see no infirmity, jurisdictional or otherwise in the framing of this issue since the claim of adverse possession is made by the respondent-plaintiff in the reply to the counter claim made by the petitioners.

4. The petition is, therefore, dismissed. The rule stands discharged.

S.A. BOBDE, J.